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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 4—Vendor Payroll Deduction Regulations

EMERGENCY AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The commissioner is adding section (5).

PURPOSE: The Office of Administration has authority to establish rules concerning deductions from employee compensation for participation in voluntary retirement plans, group hospital service plans, group life insurance plans, medical services plans, labor unions, employee association and credit unions. This emergency amendment establishes criteria for vendors and procedures which must be fulfilled prior to receiving payroll deduction authority for state cafeteria plan eligible products.

EMERGENCY STATEMENT: Senate Bill 133 from the 93rd General Assembly, First Regular Session added 33.103.3(3), RSMo. This new language states that the commissioner of administration may "Include as an option in the plan any other product eligible under Section 125 of Title 26 of the *United States Code*, subject to regulations promulgated by the Office of Administration, and including payment to the state by vendors providing those products for the cost of administering those deductions, as set by the Office of Administration: and" section (5) of the administrative rule provides for the voluntary payroll deduction vendors with eligible cafeteria

plan products to participate in the state cafeteria plan. This emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances in that although the 2006 state cafeteria plan year begins January 1, 2006, the enrollment period for the plan is from September through November, 2005. These changes to the administrative rule must be in effect during the enrollment period for the state payroll voluntary deduction vendors wishing to participate in the state cafeteria plan. Failure to implement the rule prior to September 1, 2005 will prevent employees from participating in essential plans. This emergency amendment was filed July 15, 2005, effective September 1, 2005, expires February 27, 2006.

(5) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the *United States Code* and compliant with the state cafeteria plan rule 1 CSR 10-15.010.

AUTHORITY: sections 33.103, 536.010 and 536.023, RSMo Supp. [2003] 2004 and 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 15, 2003, effective Jan. 30, 2005. Emergency amendment filed July 15, 2005, effective Sept. 1, 2005, expires Feb. 27, 2006.

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 15—Cafeteria Plan

EMERGENCY AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending sections 4.01(g) and 7.07 in Appendix A.

PURPOSE: The rule is being amended to reflect the changes in the state cafeteria plan resulting from the adoption of 33.103.3(3) which provides that the commissioner of administration may include as an option in the state cafeteria plan eligible products from voluntary state payroll deductions, subject to regulation and including payment by the vendors for the state cost of administering the deductions.

EMERGENCY STATEMENT: Senate Bill 133 from the 93rd General Assembly, First Regular Session added 33.103.3(3) RSMo. This new language states that the commissioner of administration may "Include as an option in the plan any other product eligible under Section 125 of Title 26 of the *United States Code*, subject to regulations promulgated by the Office of Administration, and including payment to the state by vendors providing those products for the cost of administering those deductions, as set by the Office of Administration: and" Article 4.01(g) of the administrative rule provides for the voluntary payroll deduction vendors with eligible cafeteria plan products to participate in the state cafeteria plan. Article 7.07 requires these voluntary deduction vendors to comply with the voluntary deduction rule and agree to the fee for the cost to the state of administering those deductions through the cafeteria plan. The rule is necessary to preserve a compelling governmental interest that requires an early effective date and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances in that although the 2006 state cafeteria plan year begins January 1, 2006, the enrollment period for the plan is from September through November, 2005. These changes to the administrative rule must be in effect during the enrollment period for the state payroll voluntary deduction vendors wishing to participate in the state cafeteria plan. Failure to implement the rule prior to September

1, 2005 will prevent employees from participating in essential plans. This emergency amendment was filed July 15, 2005, effective September 1, 2005, expires February 27, 2006.

ARTICLE FOUR AVAILABLE SELECTION OF BENEFITS

4.01 In general, employees may choose to participate in any one or more of the following benefit categories offered under the MSECP.

(g) **Other Products**—This category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides any other product eligible under Section 125 of the *United States Code*, to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee.

ARTICLE SEVEN ADMINISTRATION

7.07 Vendors of products included in 4.01(g) must comply with CSR 10-4.010 and also agree to a fee for the cost of administration, set by the commissioner of administration.

AUTHORITY: section 33.103, RSMo 2000. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 15, 2005, effective Sept. 1, 2005, expires Feb. 27, 2006.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 10—Adjutant General Chapter 5—Missouri Veterans' Recognition Program

EMERGENCY AMENDMENT

11 CSR 10-5.010 Missouri Veterans' Recognition Program. The Adjutant General is amending subsections (1)(I) and (J), subsection (4)(B) and sections (6) and (9).

PURPOSE: This amendment prescribes guidelines as required by section 42.175, RSMo, to administer the World War II Veterans' Recognition, Missouri World War II "D-Day" Invasion of Europe Medal Program and the Korean Medal Program. These guidelines provide a framework for World War II and Korean veterans to apply for medal, medallion, and certificates in recognition of their service to Missouri and our nation during World War II and Korea.

EMERGENCY STATEMENT: This emergency amendment informs Missouri World War II and Korean veterans and their spouses that the period for applying for recognition awards has been extended and that award eligibility criteria has been expanded to allow eligibility to those veterans who were legal residents of this state at the time he or she entered or was discharged from military service. This emergency amendment is necessary because of the compelling governmental interest to honor Missouri's aging 435,000 World War II and 150,000 Korean Conflict veterans for their patriotic service to our state and nation. Due to the age of these veterans the earliest effective program extension start up date is critical. This law extends the period for Missouri's veterans to apply for awards. Implementing an emergency amendment will ensure that Missouri's compelling need to recognize these aging veterans for their patriotic service is achieved in a timely and comprehensive manner. A proposed amendment which covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Adjutant General believes this emergency amend-

ment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 19, 2005, effective July 29, 2005, expires January 24, 2006.

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(I) **Eligible World War II Veteran**—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning December 7, 1941 and ending December 31, 1946 provided 1) that such veteran was a legal resident of the state of Missouri [on August 28, 2000] or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and 2) such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was legal resident of this state at the time of his or her death;

(J) **Eligible Korean Conflict Veteran**—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning June 27, 1950 and ending January 31, 1955 provided—

1. That such veteran was a legal resident of the state of Missouri [on August 28, 2003] or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and

2. Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was a legal resident of this state at the time of his or her death;

(4) To be eligible for the World War II or Korean Conflict Veterans' Recognition Awards, the veteran must:

(B) Be a legal resident of Missouri [on August 28, 2000 for World War II veteran and August 28, 2003 for the Korean Conflict veteran] or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death;

(6) World War II, "D-Day" Invasion of Europe, and Korean Conflict veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate military service record verification forms to the Office of the Adjutant General, Attention: Director, Missouri Veterans' Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. World War II and Jubilee of Liberty award applications must be submitted anytime after January 1, 2001[, and before July 1, 2004]. Korean Conflict Award applications must be submitted anytime after January 1, 2004[, and before January 1, 2005]. Applications and service forms will not be returned and will become property of the state of Missouri.

(9) The distribution of specific state awards under this rule is subject to the availability of and receipt of funding and the approval of a state appropriation for that purpose. Upon receipt of funding and an approved appropriation, awards will be distributed as expeditiously as possible. **Medallion, medal, and certificates shall be awarded until the supply of medallions, medals, and certificates is exhausted. The Adjutant General shall notify the general assembly when such supply totals less than one hundred (100).**

AUTHORITY: section 42.175, RSMo Supp. [2003] 2004. Original rule filed Sept. 14, 2000, effective March 30, 2001. Emergency amendment filed July 22, 2002, effective Aug. 1, 2002, expired Feb. 27, 2003. Amended: Filed July 22, 2002, effective Jan. 30, 2003. Emergency amendment filed July 25, 2003, effective Aug. 21, 2003, expired Feb. 17, 2004. Amended: Filed July 25, 2003, effective Feb. 29, 2004. Emergency amendment filed July 19, 2005, effective July 29, 2005, expires Jan. 24, 2006. A proposed amendment

covering this same material is published in this issue of the *Missouri Register*.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.200 Determining Eligibility for Medical Assistance.
The division is amending section (2).

PURPOSE: This amendment modifies the income limits for the Medical Assistance program after August 27, 2005.

EMERGENCY STATEMENT: Missouri's economic status requires emergency measures to contain cost wherever feasible. In order to meet SFY 2006 projected revenues, the 93rd General Assembly, in House Bill 11, approved state savings from core reductions and mandatory new decision items to the Medical Assistance program, \$67.4 million. Beginning August 28, 2005 Medicaid coverage for Medical Assistance is modified so that the income limit is reduced from one hundred percent (100%) of the federal poverty level to eighty-five percent (85%) of the federal poverty level for Medical Assistance individuals whose eligibility is based on Old Age Assistance (OAA) or Permanent and Total Disability (PTD) provisions. Promulgation of this emergency amendment is necessary to preserve the compelling governmental interest to achieve a balanced state budget for SFY 2006. A proposed amendment, which covers the same material, was published in the *Missouri Register* August 1, 2005 (30 MoReg 1647-1648). The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 27, 2005, effective August 28, 2005, expires February 23, 2006.

(2) If a single individual has an adjusted gross income [of the current SSI maximum] per month [or less] that does not exceed the income limit and meets the other eligibility requirements, s/he will be eligible for MA. If eligibility is based on AB provisions, the income limit is one hundred percent (100%) of the federal poverty level (FPL). If eligibility is based on OAA or PTD provisions, the income limit is eighty-five percent (85%) of the FPL. For a married couple living together, the adjusted gross income limitation will be [the current SSI maximum] one hundred percent (100%) of the FPL for [the couple] two (2) persons if eligibility is based on AB provisions. For a married couple living together, the adjusted gross income limitation will be eighty-five percent (85%) of the FPL for two (2) persons if eligibility is based on OAA or PTD provisions. In determining adjusted gross income, the following exemptions will be applied to the gross income:

AUTHORITY: section 207.020, RSMo [1994] 2000. Original rule filed Sept. 26, 1951, effective Oct. 6, 1951. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 29, 2005. Emergency amendment filed June 27, 2005, effective Aug. 28, 2005, expires Feb. 23, 2006.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

**EXECUTIVE ORDER
05-19**

WHEREAS, the Department of Insurance is charged with the execution and administration of laws related to insurance pursuant to Section 374.010, RSMo; and

WHEREAS, Section 374.075, RSMo required the Director of Insurance to establish a Division of Consumer Affairs and Section 374.085 requires the Division to recommend changes to state statutes when it considers such statutes to adversely or unfairly affect the interests of the general public; and

WHEREAS, the Director desires to receive input and advice from members of the general public on insurance laws and regulations; and

WHEREAS, Section 375.019, RSMo created an Advisory Board on Licensing and Examinations of Insurance Producers, a nine-member board, which has provided helpful advice from the perspective of insurance producers, but not consumers; and

WHEREAS, Section 374.284, RSMo, which became effective in 1999, required the Department to create a Health Insurance Advisory Committee to advise the department on issues relating to health care insurance, but no individuals have ever been appointed to serve on this board; and

WHEREAS, the Department has previously created a ten-member Consumer Advisory Council and an eight-member Industry Advisory Council without executive or statutory authority; and

WHEREAS, the Director believes that contributions of the Advisory Board on Licensing and Examinations should be shared with the public through the Insurance Advisory Panel; and

WHEREAS, the Director intends to establish a Health Insurance Advisory Board as a component of the Insurance Advisory Panel; and

WHEREAS, the Governor believes that an insurance advisory panel will authorize the Department to consolidate and coordinate the various advisory groups, furthering its mission to provide effective consumer protection and efficient regulation of the insurance industry; and

WHEREAS, this order is in the public interest.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby create and establish the Insurance Advisory Panel.

The Insurance Advisory Panel shall consist of members appointed by the Director of Insurance. The Director shall designate one (1) member to serve as chair. All members shall serve at the pleasure of the Director.

Members of the Insurance Advisory Panel shall receive no compensation for their service to the people of Missouri, but may seek reimbursement for their reasonable and necessary expenses incurred as members of the Advisory Panel, in accordance with the rules and regulations of the Office of Administration, to the extent that funds are available for such purpose.

The membership of the Insurance Advisory Panel shall consist of individuals representing consumer interest groups and diverse segments of the insurance industry, as well as such other members as the Director from time to time may appoint.

The members on the Insurance Advisory Panel, if at all possible, shall include a wide geographical representation of Missouri, and the number of members shall not exceed twenty-one (21).

The Insurance Advisory Panel shall have the following objectives and duties:

- (a) To meet at least annually with the Director;
- (b) To provide advice to the Director on insurance laws and regulations, and legislative or administrative modifications to these laws currently under consideration;
- (c) To initiate proposals and recommendations to the Director;
- (d) To provide advice to the Director on the efficiency and fairness of the Department with particular emphasis on market and financial regulation;
- (e) To provide advice to the Director in anticipating changes in the various insurance markets so that this agency can be responsive to the needs of consumers and the public markets; and
- (f) To maintain a record of the Insurance Advisory Panel continuity and work.

The Insurance Advisory Panel may meet at such times as determined by the Director. Any meeting must be posted, in accordance with the Missouri Sunshine Law, Chapter 610, RSMo.

The Insurance Advisory Panel shall expire on January 31, 2009 unless renewed by Executive Order.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19th day of July, 2005.

A handwritten signature in black ink, appearing to read "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

A handwritten signature in black ink, appearing to read "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

EXECUTIVE ORDER
05-20

WHEREAS, providing safety and security for Missouri's citizens is a fundamental responsibility and profound duty of state government; and

WHEREAS, state government must be proactive and innovative in preparing for and protecting Missouri's citizens from acts of terrorism, carried out by foreign or domestic groups; and

WHEREAS, state government must be prepared to respond to and mitigate the effect of disasters, both natural and man-made; and

WHEREAS, providing a cohesive, effective homeland security plan that provides for the safety and security of Missourians requires cooperation among federal, state, and local governments, and private sector and citizen groups; and

WHEREAS, federal Homeland Security grant funds are valuable resources that should be expended by state and local governments in the most efficient and effective way possible to provide robust protection and preparedness for the citizenry.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority placed in me by the Constitution and the Laws of the State of Missouri, do hereby establish the Missouri Homeland Security Advisory Council (herein called the "Council") to review and evaluate current state and local homeland security plans and make recommendations for changes to better protect Missourians and to review requests and provide recommendations on the appropriate use of Homeland Security grant funds from the federal government so that they are expended in a coordinated fashion ensuring the protection of the state as a whole.

I hereby charge the Missouri Homeland Security Advisory Council with the task of ensuring that proper homeland security plans and coordination are in place at the state and local level and that homeland security grant expenditures are done in a coordinated and efficient way. Specifically, the Council shall:

1. Evaluate current state homeland security plans and make recommendations for modifications to ensure that Missouri's plans are properly equipped to respond to threats, whether foreseeable or unforeseeable.
2. Work with city and county officials to ensure that localities are integrated into and participating in homeland security planning and preparation.
3. Make recommendations for structural changes that will facilitate better cooperation and coordination between state and local homeland security/emergency responder personnel.
4. Develop policies and procedures to ensure that homeland security plans remain up-to-date and capable of responding to emerging threats.

5. Develop a system whereby the Council or some subset of the Council reviews homeland security grant requests and recommends to the Homeland Security Director approval or denial of those requests based on whether the request furthers a local or state homeland security objective.
6. Review the state Homeland Security grant reimbursement process and procedures and make recommendations for ways to better integrate local communities into the larger state homeland security readiness plan. Include recommendations for improvements to the policies and procedures for submitting grant requests and providing feedback to localities regarding how they can better integrate their efforts with the state's efforts.
7. Within 120 days of the signing of this order, the Council shall generate an up-to-date, comprehensive, statewide emergency preparedness, response, and recovery plan for approval by the governor. The Council may make recommendations for revision to this plan at a later date based on its findings resulting from the aforementioned tasks.

This work shall be completed as soon as practicable, but unless otherwise specified, no later than January 1, 2006. The Council may recommend that it continue some or all of these functions but such continuation must be authorized by the governor.

The Council shall consist of seventeen members. The Chairman of the Council shall be the Director of the Department of Public Safety. The Vice Chairman of the Council shall be the Director of the Division of Homeland Security. Other members of the Council shall include: the Director of the State Emergency Management Agency, the Directors of Health and Senior Services, Transportation, Agriculture, Natural Resources, and Economic Development, the Chief Information Officer of the State, the State Adjutant General, the Superintendent of the Missouri State Highway Patrol, the State Fire Marshal, the Commissioner of the Water Patrol, the Chairman of the Public Service Commission, and three public members appointed by the governor. The Governor at his discretion may appoint ex-officio members to the Council.

Members of the Council shall receive no compensation for their service to the people of Missouri, but may seek reimbursement of their reasonable and necessary expenses incurred as members of the Council, in accordance with the rules and regulations of the Office of Administration.

The Council is assigned for administrative purposes to the Department of Public Safety. The Director of the Department of Public Safety or his designee shall be available to assist the Council as necessary, and shall provide the Council with any staff assistance that they may require from time to time. All Departments in the Executive Branch of Missouri state government are directed to cooperate with the Council, and shall provide such assistance to the Council as it shall request.

I hereby direct all executive branch departments and agencies to prepare, within 120 days of the signing of this order, emergency response plans or updates to existing plans that address the continuity of their operations and services and the security of their constituents and employees in the event of natural or man-made disasters or emergencies, including terrorist attacks. These

plans shall be presented to the Director of the Division of Homeland Security through the Director of the State Emergency Management Agency and shall be made available to the Council as part of its work in evaluating statewide emergency preparedness, response, and recovery plans. The Council shall assist executive departments in this endeavor at their Department Director's request.

Furthermore, I hereby establish the office of the Division of Homeland Security within the Department of Public Safety. The Director of the Division of Homeland Security shall report to the Director of Public Safety. The Director of Homeland Security shall coordinate activities to promote unity of effort among federal, state, local, private sector, and citizen activities related to emergency preparedness and homeland security. The Director of Homeland Security shall also perform any other duties assigned to him by the Director of Public Safety.

This Executive Order rescinds Executive Orders 02-15 and 02-16.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of July, 2005.





Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State